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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JOHN GARRETT SMITH,

9 Petitioner,

10 v.

11 STATE OF WASHINGTON,

12 Respondent.

CASE NO. C18-5659 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge, Dkt. 22, and
14 Petitioner John Garrett Smith’s (“Smith”) objections to the R&R, Dkt. 23.

15 On February 25, 2019, Judge Creatura issued the R&R recommending that the
16 Court dismiss Smith’s petition for failure to file an amended petition as directed by the
17 Court. Dkt. 22. On March 6, 2019, Smith filed objections. Dkt. 23.

18 The district judge must determine de novo any part of the magistrate judge’s
19 disposition that has been properly objected to. The district judge may accept, reject, or
20 modify the recommended disposition; receive further evidence; or return the matter to the
21 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).
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1 In this case, Smith's objections are meritless. Instead of objecting to the merits of
2 the R&R, Smith uses his objections to further describe his theory that the federal
3 judiciary is engaging in an unlawful conspiracy with the State of Washington to
4 improperly incarcerate Smith. Dkt. 23. The Court declines to address these allegations
5 because they are irrelevant to Smith's failure to file an amended petition as set forth in
6 the R&R. Therefore, the Court having considered the R&R, Smith's objections, and the
7 remaining record, does hereby find and order as follows:

- 8 (1) The R&R is **ADOPTED**;
- 9 (2) Smith's Petition is **DISMISSED**;
- 10 (3) A certificate of Appealability is **DENIED**; and
- 11 (4) The Clerk shall enter a **JUDGMENT** and close the case.

12 Dated this 22nd day of May, 2019.

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15 BENJAMIN H. SETTLE
United States District Judge